

It is noted that an earlier rejection under 35 USC 103(a) has been removed. However, all claims under prosecution now stand rejected under 35 USC 103(a) based on It et al. (Ito) USP 5,912,085. Page 3 of the outstanding Office action sets forth in detail the basis for application of Ito to the present claims under prosecution.

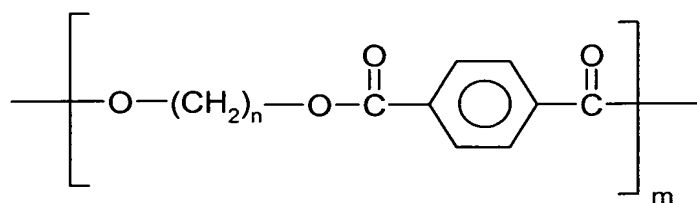
It is noted that the following wording is present in support of the Office position of applicability of Ito.

Ito does not specifically **show the percentages by weight of the copolyesterethers** (claim 1) and inorganic particles (claim 4). However, such concentrations are properties which can easily determined by one of ordinary skill in the art. (emphasis added)

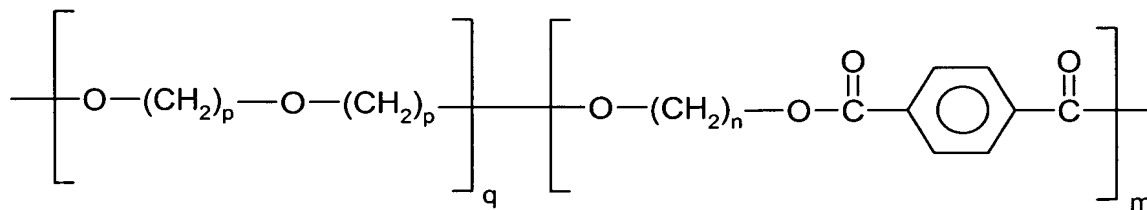
From the above statement, it is respectfully submitted that the Office position is predicated on an incorrect understanding of basic chemistry of a copolyesterether and an incorrect understanding of a proper reading of the claims under prosecution based on a description set forth in the body of the specification. [Ito does not teach or disclose any incorporation of a copolyesterether in a polyester substrate.]

Present claim 1 is directed to a multilayer film comprising a substrate, an ink-receptive layer and a cover layer. The base material of the substrate is polyester. The substrate further comprises 0.2 to 30% by weight of a copolyesterether.

It is pointed out that the polyester, for instance an alkylene terephthalate, comprises ester linkages and is made up of the following repeating units:



In contrast, the copolyesterether comprises ester and ether linkages and may be made up of the following repeating units:



Thus, the copolyesterether may comprise alkylene terephthalate units but unlike the polyester it does not consist solely of such units.

Turning to the prior art of Ito applied under 35 USC 103(a), the multilayer film disclosed therein comprises a substrate and an ink-receiving layer. The substrate is a polyester as described at column 3, lines 5 to 25, which may be a poly(alkylene terephthalate). The substrate may further comprise inorganic and/or organic particles (column 3, lines 26 to 27). The organic particles are described at column 3, line 44 to column 4, line 4 and are stated as being included for the purpose of opacifying the substrate. These particles must be incompatible with the polyester substrate layer and the examples given by Ito are polystyrene, polyolefin, polyacrylic, polycarbonate, polysulfone, cellulose and polyamide resins. There is no recitation of a copolyesterether. Accordingly, there can be no disclosure or suggestion of the substrate layer claimed in the present application, and the present claims are non-obvious over Ito for this reason alone.

In any event, the Examiner will note that the present Application also envisages the use of "incompatible resins", similar to those of Ito, for the similar purpose of opacifying the substrate, as described at page 4, line 35 to page 5, line 17. It is therefore clear that the incorporation of a copolyesterether into the polyester substrate is a feature additional to the (optional) incorporation of an incompatible resin.

It should also be noted that the incompatible resins which cause voiding in a polyester substrate are chosen because of their chemical dissimilarity with the base material of the polyester substrate. Clearly, a copolyesterether shares chemically similar (ester) groups with a polyester. As such, the skilled person would not be motivated to consider a copolyesterether as a resin which is incompatible with a polyester substrate.

Finally, it is important to note that the objective of the present invention is to improve the delamination resistance of the multilayer structure (see page 1, lines 22 and 23), which is achieved by the incorporation into the substrate of the copolyesterether (see, for instance the second sentence of the abstract). In contrast, the objectives of Ito are to provide good water resistance and high gloss etc. (see column 1, lines 33 to 47). The respective end-uses of the multilayer structure are also different: the present Application is directed to ID and credit cards etc, whereas Ito is directed to a recording sheet for ink-jet printing. Irrespective of the end-use, however, there is no mention or suggestion whatsoever in Ito that the presence of a copolyesterether might help improve delamination resistance. The obviousness objection is therefore without merit for this reason also.

In summary, for the above stated reasons, an incorrect-interpretation of Ito is set forth in the Office rejection.

Accordingly, this publication has no applicability to the claims under prosecution.

Removal of all objections and rejections is requested. A notice of allowance is solicited.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In showing the changes, deleted material is shown as brackets, and inserted material is shown underlining.

IN THE CLAIMS:

Amend claims 4, 5, 6 and 7 as follows:

4. A multilayer card according to [any one of the preceding claims] claim 1 wherein the substrate comprises in the range from 5 to 25% by weight, relative to the total weight of the substrate, of an inorganic filler.

5. A multilayer card according to [any one of the preceding claims] claim 1 wherein the ink-receptive layer comprises an acrylic resin.

6. A multilayer card according to [any one of the preceding claims] claim 1 wherein the ink-receptive layer comprises a polyester resin.

7. A multilayer card according to [any one of the preceding claims] claim 1 wherein the substrate has (i) an ink-receptive layer comprising an acrylic resin on a first surface thereof, and (ii) an ink-receptive layer comprising a polyester resin on a second surface thereof.